

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARWAN HASAN HANDSOME,

Plaintiff,

v.

JOHN DOE,

Defendant,

Case No. 1:24-cv-11230

Honorable Thomas L. Ludington
United States District Judge

OPINION AND ORDER DISMISSING PLAINTIFF’S COMPLAINT

In May 2024, Plaintiff Marwan Hasan Handsome filed a *pro se* 42 U.S.C. § 1983 civil rights Complaint while confined at the Bellamy Creek Correctional Facility in Ionia, Michigan. ECF No. 1. On May 9, 2024, Magistrate Judge David R. Grand issued an order of deficiency, which required Plaintiff to pay the \$350.00 filing fee, plus the additional \$55.00 administrative fee, or, alternatively, apply to proceed in forma pauperis within thirty days. ECF No. 3.

Twelve days later, Plaintiff sent a letter to this Court indicating that he paid the \$405.00 filing fee, but for another *pro se* prisoner civil rights case he filed in April 2024, which is currently pending in the Southern Division before Judge Laurie J. Michelson. ECF No. 5 at PageID.10; *see also Handsome v. Sexton*, Case No. 2:24-cv-10948 (E.D. Mich. Apr. 11, 2024). Although unclear, Plaintiff’s letter suggested he does not know about the above-captioned case, and never intended to file two separate complaints. ECF No. 5 at PageID.10. (“I don’t [know] what th[is] case is . . . I’m not understanding w[here] things are.”).

Accordingly, on November 13, 2024, this Court directed Plaintiff to clarify whether he wished to proceed with the above-captioned case or voluntarily dismiss it without prejudice. ECF No. 6. The Court also notified Plaintiff that, if he chose to proceed with the above-captioned case,

he must comply with Judge Grand's deficiency order by either paying a new \$ 405.00 filing fee in this case or applying to proceed *in forma pauperis*. *Id.* at PageID.13.

This Court received Defendant's response on December 6, 2024. ECF No. 7. But Plaintiff's response did not clarify whether he wished to proceed with the above-captioned case and did not attempt to cure his filing deficiencies. *See id.* Instead, Plaintiff explained his mistaken view that the above-captioned case "got dismissed" for failure to pay the filing fee, which is why he filed a nearly identical complaint in Case No. 24-10948 which remains pending before Judge Michelson in the Southern Division. *Id.* at PageID.14. Notably, Plaintiff paid the filing fee in Case No. 24-10948. *See Handsome v. Sexton*, Case No. 2:24-cv-10948 (E.D. Mich. 2024).

But the fact remains: despite numerous opportunities to correct his filing deficiencies and explain his intentions for the above-captioned case, Plaintiff has still not paid the filing fee, nor applied to proceed *in forma pauperis*. *See* ECF Nos. 3, 6. So this Court must dismiss Plaintiff's Complaint without prejudice for want of prosecution. *See McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199, 203 (2007) ("If an inmate, not paying the full filing fee, fails to provide an affidavit of indigency or trust account statement, the district court must notify the prisoner of the deficiency and the prisoner will then have thirty days from the date of the deficiency order to correct the error or pay the full filing fee. If the prisoner does not comply with the district court's directions, the district court must presume that the prisoner is not a pauper and assess the inmate the full amount of fees. The district court must then order the case dismissed for want of prosecution.").

Accordingly, it is **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915(a)(1) and (b)(1) and (2) for failure to comply with the filing requirements of the Prison Litigation Reform Act.

This is a final order and closes the above-captioned case.

Dated: December 12, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge